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Federal Communications Commission
Office of Secretary

April 30, 2003

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CAROLINE R. HEIL
KATHERINE A. MURPHY
SARA R. VIZITHUMMarlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, D.C. 20544Re: **Ex Parte Notification**
2002 Biennial Regulatory Review—Review of the Commission's
Broadcast Ownership Rules and Other Rules Adopted Pursuant to
Section 202 of the Telecommunications Act of 1996
MB Docket No. 02-277
MM Docket No. 01-235
MM Docket No. 01-317
MM Docket No. 00-244

Dear Ms. Dortch:

This is an *ex parte* notification filed pursuant to Section 1.1206 of the Commission's Rules.

On April 29, 2003, Mark J. Prak and the undersigned, on behalf of Hearst-Argyle Television, Inc., ("Hearst-Argyle"), met with Marsha J. MacBride, Chief of Staff to the Federal Communications Commission.

The purpose of the meeting was to discuss the local television ownership rule proposal of Hearst-Argyle as it relates to the above proceedings. Mr. Prak and Mr. Kushner explained the

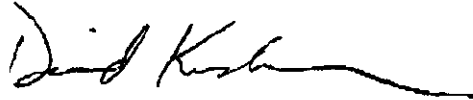
Marlene H. Dortch
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mechanics of Hearst-Argyle's proposal, how the proposal was derived from and supported by antitrust case law and analysis, and responded to questions. In addition, Mr. Prak and Mr. Kushner provided copies of the following cases: *Consolidated Gold Fields, PLC v. Anglo Am. Corp. of South Africa Ltd.*, 713 F. Supp. 1479 (S.D.N.Y. 1989); *Consolidated Gold Fields PLC v. Minorco, S.A.*, 871 F.2d 252 (2d Cir. 1989); *FTC v. Cardinal Health, Inc.*, 12 F. Supp. 2d 34 (D.D.C. 1998); *FTC v. Swedish Match*, 131 F. Supp. 2d 151 (D.D.C. 2000); *H.L. Hayden Co. of New York, Inc. v. Siemens Med. Sys., Inc.*, 879 F.2d 1005 (2d Cir. 1989); *Mid-Nebraska Bancshares, Inc. v. Board of Governors of Fed. Reserve Sys.*, 627 F.2d 266 (D.C. Cir. 1980); *United States v. Philadelphia Nat'l Bank*, 374 U.S. 321 (1963).

An original and seven copies of this letter are being filed with the Secretary with an additional copy delivered to the person who participated in the meeting.

If any questions should arise during the course of your consideration of this matter, it is respectfully requested that you communicate with this office.

Sincerely,

A handwritten signature in black ink, appearing to read "David Kushner", with a long horizontal flourish extending to the right.

David Kushner

cc: Marsha J. MacBride